

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.21193 of 2004

Between:

Chitamala Nageswara Rao S/o Devudu
R/o Vakapalli Village, Devarapalli Mandal, Visakhapatnam District

..... PETITIONER

AND

- 1 The Circle Inspector of Police, Chodavaram Police Station,
Chodavaram Post & Mandal, Visakhapatnam District
- 2 The Sub-Inspector of Police, Butchaiahpet Police Station,
Butchaiahpet Mandal, Visakhapatnam.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly in the nature of Writ of Mandamus declaring the high-handed action of the respondents herein in harassing the petitioner in Crime No. 15 of 2004 of Butchaiahpet Police Station, Visakhapatnam District registered under Section 304 (a), 338 and 337 IPC against unknown persons on 28.3.2004 as being illegal, unjust arbitrary and violative of Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondents: GP FOR HOME

The Court, at the admission stage, made the following:

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ORDER:

Though the matter is passed over to 2.15 PM, none appears for the petitioner. Heard the learned Government Pleader for Home for the respondents.

The present writ petition is filed seeking to declare the action of the respondents in harassing and trying to implicate the petitioner as accused in Crime No.15 of 2004 of Butchaiahpet Police Station, Visakhapatnam District registered under Sections 304(A), 338 and 337 of IPC as illegal and arbitrary.

The respondents filed their counter denying the allegations of the petitioner and stating that based on the complaint given by one

Lanka Rama Rao with regard to Tractor accident in which two persons died, the 2nd respondent registered a case in Crime No.15 of 2004 under Sections 304(A), 338 and 337 of IPC and took up investigation. It is further stated that during the course of investigation it is revealed that the petitioner was the driver of the Tractor bearing No. AP 37 T 5725 and that he drove the said Tractor in a rash and negligent manner on the date of incident and caused the accident, therefore the

2nd respondent is contemplating to take steps against the petitioner to enquire into the matter, but the petitioner having absconded since from the date of offence approached this Court and filed the present writ petition with intend to avoid arrest

and investigation in the said crime.

Having regard to the fact that the investigation done by the 2nd respondent revealed that the petitioner is alleged to have driven the crime vehicle in a rash and negligent manner on the date of incident and caused the accident, it cannot be said that the respondents are trying to falsely implicate the petitioner as accused in the said crime. The writ petition is misconceived and the same is accordingly dismissed. No costs.

N.V. RAMANA, J.

Date: 26.04.2005

Nsr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Circle Inspector of Police, Chodavaram Police Station,

Chodavaram Post & Mandal, Visakhapatnam District

2 The Sub-Inspector of Police, Butchaiahpetta Police Station,

Butchaiahpetta Mandal, Visakhapatnam.

3 Two CCs to GP for Home, High Court Buildings, Hyderabad (OUT)

4 Two CD copies

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